

THE SCHOOL ADMINISTRATOR

and Uniform Compliance Guidelines
ISSUED BY STATE BOARD OF ACCOUNTS

Volume 177

March 2007

ITEMS TO REMEMBER

MARCH

- March 1: Prove the Fund Ledger and Ledger of Receipts for the month of February to the control of all funds and reconcile with the depository statements. Prove all receipt accounts for each fund to total receipts for that fund. Prove the Ledger of Appropriations, Allotments, Encumbrances, Disbursements, and Balances to the total disbursements of the control account of the Fund Ledger. Prove all expenditure accounts within each program to the total disbursements of that program.
- March 20: Last day to report and make payment of state and county income tax withheld during February to the Department of State Revenue, Indiana Government Center North, Indianapolis. (Please review Volume 140, December 1997 "The School Administrator and Uniform Compliance Guidelines".)

APRIL

- April 1: Prove all ledgers for the month ending March 31 as outlined for the month of February.
- April 6: Good Friday - Legal Holiday (IC 1-1-9-1)
- April 15: Last day for the board of school trustees of the school corporation located wholly or partially within the county, which has the greatest taxable valuation of any school corporation in the county to appoint a member of the governing body to serve as a member of the county board of tax adjustment (IC 6-1.1-29-1). IC 6-1.1-29-9 provides that the county council may adopt an ordinance to abolish the county board of tax adjustment. The ordinance must be adopted by July 1 and may not be rescinded in the year it is adopted.
- April 20: Last day to report and make payment of state and county income tax withheld during March to Department of State Revenue, Indiana Government Center North, Indianapolis. (Please review Volume 140, December 1997, "The School Administrator and Uniform Compliance Guidelines".)
- April 30: Last day to file federal quarterly report, Form 941, to the Internal Revenue Service for federal and social security taxes for the first quarter.

MAY

- May 1: Prove all ledgers for the month ending April 30 as outlined for the month of February.
- May 1: School corporations not wishing to renew teachers' contracts (non-permanent teachers) for the 2007-2008 school year on or before May 1, shall notify the teacher that the governing body will or consider nonrenewal of the contract for the next school term. The notification shall be: (A) written; and (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address. IC 20-28-7-9 also provides possible additional procedures.
- May 8: Election Day – Legal Holiday (IC 1-1-9-1)

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- May 20: Last day to report and make payment of state and county income tax withheld during April to Department of State Revenue, Indiana Government Center North, Indianapolis. (Please review Volume 140, December 1997, "The School Administrator and Uniform Compliance Guidelines Manual.")
- May 28: Memorial Day - Legal Holiday (IC 1-1-9-1)
- May 31: On or before June 1 and December 1 of each year (or more frequently if the county legislative body adopts an ordinance requiring additional certifications) the school corporation shall certify to the county treasurer a list of the names and addresses of each person who has money due the person from the school corporation. (IC 6-1.1-22-14).

OBSOLETE VOLUME

All articles of Volume 137 of The School Administrator have now been updated and reprinted in later volumes of *The School Administrator and Uniform Compliance Guidelines*, or are no longer applicable; thus, Volume 137 which was distributed in March of 1997 may now be deleted from your files.

PREGNANCY LEAVE

A Deputy Attorney General on December 2, 1976, in reply to a request by an Indiana State Representative responded to the following questions, concerning leave for pregnant teachers, in a Legislative Advisory Letter. The responses follow the questions in the same sequence with current applicable statutory cites.

1. What is the maximum length of leave permitted and who determines the length of leave?
2. Can the teacher unilaterally change the expected date of return to work while on leave?
3. Does pregnancy automatically constitute a disability?
4. Does the use of sick leave due to disability during pregnancy leave require a physician's statement?
5. Does the leave of absence time continue to count toward tenure and increment advancement on an adopted salary schedule?
6. Do salary benefits, such as insurance, continue as an income item during the leave of absence while the pregnant teacher is receiving "accumulated sick pay"?
7. Must accumulated sick leave be taken at the beginning of the leave of absence?

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PREGNANCY LEAVE

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Your first question is answered by Indiana Code section please see 20-6-12-5.5 (Please now see 20-28-10) which provides that the maximum duration of a pregnancy leave is determined by those provisions which pertain to sickness. Since Code section 20-6-12-5 (Please now see 20-28-10) provides that a school corporation may grant a leave of absence for a period not exceeding one year, the maximum duration for a pregnancy leave is one year. With respect to the determination of the length of leave permitted under the statutes, it is my opinion that the teacher is permitted by Code section 20-6-12-5.5 (Please now see 20-28-10) to determine the expected length of the leave. This conclusion is based on the fact that Code section 20-6-12-5.5 (Please now see 20-28-10) is supplemental to the provisions of Code section 20-6-12-5 (Please now see 20-28-10-5) and provides that the teacher "shall also notify the superintendent of the expected length of this leave."

Your second question is whether a teacher may unilaterally change the expected date of return to work while on leave. Although Code section 20-6-12-5.5 (Please now see 20-28-10) does not specifically permit or preclude a change in the duration of leave, it does require that a teacher notify the school corporation thirty (30) days before the commencement of her pregnancy leave so that the school corporation may plan and obtain a replacement for the teacher. Since a unilateral change in the duration of the pregnancy leave would result in difficulties in planning, it is my opinion that the Legislature did not intend for a teacher to unilaterally change the expected date of return unless . . . or a medical emergency exists, as prescribed by Code section 20-6-12-5.5 (Please now see 20-28-10).

Third, Code section 20-6-12-5.5 (Please now see 20-28-10) provides that "temporary disability caused by pregnancy shall be governed by the provisions governing sickness" and additional provisions prescribed by the statute. Thus, it is my opinion that pregnancy automatically constitutes a disability since the language of the statute would so indicate.

Fourth, you ask whether the use of sick leave due to pregnancy disability requires a physician's statement certifying her pregnancy for a leave of absence. The provisions of Code section 20-6-12-5.5 (Please now see 20-28-10) allow the use of available sick leave by a teacher during the time a leave of absence for pregnancy occurs. The latter statutory provision does not qualify nor does it eliminate the specific requirement that a teacher supply to the school corporation a physician's statement or birth certificate of the newborn child before receiving a leave of absence for pregnancy. Thus, the statutory provision permitting the use of available sick leave does not affect the requirements which must be met before a leave of absence for pregnancy is permitted.

Fifth, you ask whether the leave of absence time continues to count toward tenure and increment advancement on an adopted salary schedule. Code section 20-6-12-5.5 (Please now see 20-28-10) provides that temporary disability for pregnancy is governed by the same provisions governing sickness. The provisions in Code section 20-6-12-5.5 (Please now see 20-28-10) governing sickness provide for a credit towards the teacher's tenure and retirement. The provisions of Code section 20-6-12-5.5 (Please now see 20-28-10) prescribe that a leave of absence may be taken "without jeopardy to reemployment, retirement and salary benefits, tenure and seniority rights." It is a principle of statutory construction that statutes dealing with the same subject matter should be construed in *pari materia*. See *Economy Oil Corporation v. Indiana Department of State Revenue*, 162 Ind. App. 658, 321 N.E. 2nd 215 (1984). Applying this legal principle it is my opinion that a teacher is entitled to receive credit toward tenure for the time spent on a leave of absence since the statutes do not conflict and should be construed together. With regards to salary benefits it would appear that Code section 20-6-12-5.5 (Please now see 20-28-10) would be the applicable statute and provides that a leave of absence may be taken without jeopardy to salary benefits. Since the term "jeopardy" is used in Code section 20-6-12-5.5 (Please now see 20-28-10) and not "credit", it must be presumed that the Legislature did not intend for the leave of absence time to be counted toward an increment advancement on an adopted salary schedule. (Our Emphasis)

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PREGNANCY LEAVE

(Continued)

Sixth, you ask whether salary benefits, such as insurance, continue as an income item during the leave of absence while the teacher is using her available sick leave. Since a teacher is entitled to use her available sick leave and receive full compensation, it must be presumed the Legislature intended for her to receive the same benefits that would be received by any other teacher on sick leave. Otherwise, the Legislature would have specifically limited the benefits paid to a teacher on pregnancy leave who elects to use her available sick leave.

Finally, you ask whether accumulated sick leave must be taken at the beginning of the leave of absence. Code section 20-6-12-5.5(b) (Please now see 20-28-10) provides that "all or any portion of a leave taken by a teacher because of temporary disability caused by pregnancy may be charged, at her discretion to her available sick leave." Thus, the teacher may elect to use her available sick leave for all or any portion of a pregnancy leave.

In summary then:

- (1) the maximum duration of a pregnancy leave authorized by statute is one year, but the teacher determines, within the statutory limit, how long the leave will be;
- (2) Indiana Code Section 20-6-12-5.5 (Please now see 20-28-10) does not authorize a unilateral change in the length of a pregnancy leave;
- (3) pregnancy constitutes a disability;
- (4) a physician's statement is required of a teacher requesting pregnancy leave even though she elects to use her available sick leave;
- (5) the leave of absence time must be credited for tenure but not for the purpose of increment advancement on an adopted salary schedule;
- (6) all salary benefits continue for a teacher during that portion of the leave in which she uses her available sick leave; and,
- (7) a teacher may elect to use her available sick leave for all or any portion of a pregnancy leave.

Since, as the above letter states, leaves of absence for pregnancy are governed by the same provisions governing leave of absence for sickness and since a contract is required for disability or sick leave, it follows that it is necessary for a teacher, who elects to draw sick leave pay while on leave of absence for pregnancy, to draw such pay while still under contract.

The audit position of the State Board of Accounts in regard to the aforementioned remains unchanged. Subsequent to the date of the advisory letter, statutory changes have modified IC 20-6-12-5.5 (Please now see 20-28-10), as these provisions would pertain to the answer to question 5 concerning tenure and increment advancement, as would Board of School Trustees v. Everett, Ind. App. 482, N.E. 2d 1173 (1985). Board of School Trustees of Salem Community Schools v. Robertson, 1994, 637 N.E. 2d 181, transfer denied, provides further guidance concerning duration of leave and notices.

Furthermore, we are not aware of any other current statutory provisions, court decisions or Attorney General Opinions which would provide direct guidance in answer to question 5. However, we will not take audit exception if questions concerning tenure and increment advancement during pregnancy leave are provided for as a part of an overall collective bargaining agreement in accordance with IC 20-29-6.

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TRAVEL EXPENSE CLAIM FOR VOCATIONAL FUNDS

Indiana Department of Education Form 1 was approved by the State Board of Accounts for the Indiana Department of Education in February 2005. The form is used as a basis for reimbursing a school corporation for a partial amount for the travel expense of sending teachers to various student leadership development activities at State called meetings.

The reimbursement that is provided as a result of approved travel is provided directly to the school corporation and not to any individual (all checks are made payable to the respective school corporation.)

The forms are used for the expenditure of Carl D. Perkins Federal Vocational Funds. The Department of Education has also stated "The limited amount of reimbursement has remained the same since 1966 because of the small amount that is available. In almost all cases, the school will make up the difference between the amount that is provided and state allowances." A copy of Indiana Department of Education Form 1 may be used in lieu of a Mileage Claim, Form 101, as prescribed by the State Board of Accounts, in accordance with the conditions on the form and instruction part thereof. If any expense of travel in addition to the allowable mileage for the State called meeting is to be claimed, the expense should be claimed on a regular Accounts Payable Voucher School Form 523, as prescribed by the State Board of Accounts. All allowable expenses other than mileage must be itemized on Form 523 and supported by attaching a copy of Indiana Department of Education Form 1, properly completed, to Accounts Payable Voucher Form 523. If other mileage is included on the claim for reimbursement, all mileage should be itemized on Mileage Claim Form 101 and attached to Accounts Payable Voucher, Form 523 (if other travel expense is involved) so that all travel expense for that person for the period may be processed as one voucher. (A copy of the Indiana Department of Education Form 1 should also be attached.)

Any other reimbursements to claimants by a school corporation must be in accordance with rates established by resolution, policy, etc., of the board of school trustees (or other governing body) of the school corporation. The General School Powers Act provides authority for refunding to the employee, reasonable hotel and board bills (receipts) in other areas and necessary transportation expenses for trips deemed by resolution of the governing body to be in the interest of the school corporation, IC 20-26-5-4(9). Travel is to be reimbursed on actual miles driven and filed on Mileage Claim, Form 101.

SCHOOL BUS DRIVER CONTRACT FORMS

The State Board of Accounts has approved the 2007 revision of School Bus Driver's Employment Contract, Driver Owned Equipment Contract For Transporting Children, and Fleet Contract For Transporting Children Forms as prescribed by the State School Bus Committee.

We have provided copies of the forms to all companies on our list of public printing suppliers.

UNEMPLOYMENT COMPENSATION

IC 22-4-8-2 provides for service performed after various dates by an individual in the employ of the State or a political subdivision of the State or any instrumentality of the State will be covered under the Act. Certain exclusions are listed.

IC 22-4-11 provides for the contribution rates.

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EXTRA-CURRICULAR CERTIFIED INVOICES IN LIEU OF SIGNED CLAIMS

IC 5-11-10-1.6 necessitated the Prescribed Form 523, Accounts Payable Voucher, for school corporations. Extra-Curricular payments still should be made by using an SA-1, Purchase Order and Payment Authorization Voucher, or SA-7, Claim For Payment, in certain situations, both of which contain the certification language required by IC 5-11-10-1.6.